

112TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To increase criminal penalties for certain knowing and intentional violations relating to food that is misbranded or adulterated.

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IN THE SENATE OF THE UNITED STATES

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Mr. LEAHY (for himself, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. KOHL, Mrs. FEINSTEIN, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To increase criminal penalties for certain knowing and intentional violations relating to food that is misbranded or adulterated.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Food Safety Account-  
5       ability Act of 2011”.

6       **SEC. 2. CRIMINAL PENALTIES.**

7       (a) IN GENERAL.—Chapter 47 of title 18, United  
8       States Code, is amended by adding at the end the fol-  
9       lowing:

1   **“§ 1041. Misbranded and adulterated food**

2           “(a) DEFINITION.—In this section, the term ‘food’  
3 has the meaning given that term in section 201 of the  
4 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

5           “(b) OFFENSE.—Any person who violates subsection  
6 (a), (b), (c), or (k) of section 301 of the Federal Food,  
7 Drug, and Cosmetic Act (21 U.S.C. 331) with respect to  
8 any food—

9                   “(1) knowingly and intentionally to defraud or  
10       mislead; and

11                   “(2) with conscious or reckless disregard of a  
12       risk of death or serious bodily injury,

13 shall be fined under this title, imprisoned for not more  
14 than 10 years, or both.”.

15       (b) TECHNICAL AND CONFORMING AMENDMENT.—  
16 The table of sections for chapter 47 of title 18, United  
17 States Code, is amended by adding at the end the fol-  
18 lowing:

      “1041. Misbranded and adulterated food.”.